

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

**USDC-SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#:
DATE FILED: 04/12/2022**

JUAN PABLO CHAVEZ,

Plaintiff,

v.

SERGEANT WILLIAM FINNEY, OFFICER
STEPHEN STREICHER, and OFFICER
ANTHONY TORTORICE,

Defendants.

No. 19-CV-4109 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

On March 23, 2022, the Court issued an Opinion and Order granting in part and denying in part Defendants' motion for summary judgment. The Court is in receipt of the attached letter from Plaintiff, in which he expresses his intention to file a Rule 60(b) motion in response to the Court's ruling.

Because Rule 60(b) is not a proper vehicle to challenge a ruling granting in part and denying in part summary judgment, *see Blond v. Leonard*, 277 F. Supp. 3d 420, 423 (W.D.N.Y. 2017), the Court construes Plaintiff's letter as expressing an intention to file a motion for reconsideration. If Plaintiff agrees with this construction, he shall file a motion for reconsideration by May 13, 2022. Any such motion should set forth the basis for Plaintiff's belief that the March 23 Order should be reconsidered because of "controlling decisions of data that the [C]ourt overlooked," *Shrader v. CSX Transp., Inc.*, 70 F.3d 255, 257 (2d Cir. 1995), "an intervening change of controlling law, the availability of new evidence, or the need to correct a clear error or prevent manifest injustice." *Virgin Atl. Airways, Ltd. v. Nat'l Mediation Bd.*, 956 F.2d 1245, 1255 (2d Cir. 1992).

If Plaintiff does not agree that his motion is best understood as a motion for reconsideration, he shall submit a letter by May 13 setting forth the basis for his belief that another procedural vehicle governs his request. Specifically, the Court notes the possibility that Plaintiff may be seeking to appeal the Court's March 23 ruling to the Second Circuit—either in addition to a motion for reconsideration or in the alternative to a motion for reconsideration. Because the March 23 Order was not a final order, however, it is only appealable if the Court certifies an interlocutory appeal pursuant to 28 U.S.C. § 1292(b). If Plaintiff intends to move for certification of an interlocutory appeal, he shall explain in his May 13 letter why the March 23 Order “involves a controlling question of law . . . as to which there is a substantial ground for difference of opinion,” and why an immediate appeal from the March 23 Order “may materially advance the ultimate termination of the litigation.” *Capitol Recs., LLC v. Vimeo, LLC*, 972 F. Supp. 2d 537, 551 (S.D.N.Y. 2013).

The Clerk of Court is respectfully directed to mail a copy of this Order to Plaintiff at the California address listed below and to add this California address to the docket for future communications with Plaintiff.

SO ORDERED.

Dated: April 12, 2022
New York, New York



Hon. Ronnie Abrams
United States District Judge

SERVICE ADDRESS:

Juan Pablo Chavez
106 ½ Judge John Aiso Street, # 722
Los Angeles, CA 90012

U.S.D.C. for the S.D.N.Y.
 Chavez v. Finney
 19-cv-4109 (RA)

1 Motion for Ext. of Time to file 59(e)
 2 On Notice of Appeal to the 2d. Cir
 3 w/ Petition for Writ of Cert.
 4 before Judgement.
 5

6 Hello Your Honor,
 7

8 Blessings & peace to you and your loved ones.
 9

10 Thank you for all that you do. I receipted
 11 your March 23, 2012 Opinion & Order by surprise
 12 yesterdayish when I Googled the case. I am

13 willfully being held to a roach innundation at
 14 a public place of accomodation with know furnishing.
 15

16 The Case-text webpage lacks some of the nuance
 17 and essence the original letter, paper, has.
 18

19 I will file a rule 60(b) within a "reasonable time"!!
 20

21 But, would like to first give this court jurisdiction
 22

23 to alter/amend¹. May I please^{have} 28 days from when
 24

25 I receive the letter? I spent my safety net, ssi,
 26

27 keeping the bugs at bay, so it will be some time
 28

29 before my mail forwarding funds are available. ~~and~~

30 Please resend here and remove the East N.Y. directions?

31 Thank you again. God bless.

Sincerely,

J.P. Chavez

106 1/2 Judge John Aiso St.

#722 L.A., CA. 90012

1. 2:21-cv-09550 (Fmo)(JC) O.D. CA

* one take - impr. righting
 3:53 AM PST - 4:27 AM PST = 34 minutes
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